

Application No.: 10/020,592
Filing Date: December 12, 2001
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REMARKS

Claims 41 and 42 are rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 4,969,458 to Witkor. This determination is respectfully traversed.

The Witkor reference, as it relates to the claims of the present application, has been discussed in detail during prosecution of the present application. The Examiner takes the position that Witkor discloses a method of forming a stent on an inflatable balloon of a catheter. The Examiner further contends that Witkor discloses that the stent is releasably retained within depressions formed on the inflatable portion of the balloon. The Examiner submits that it is evident from the figures of Witkor that the loops of the stent are releasably retained in depressions formed in the balloon and that the depressions in the balloon are caused by crimping the stent thereto.

However, notwithstanding the Examiner's assertions, method claim 41 recites steps clearly not disclosed in the Witkor reference.

Claim 41 recites a method of forming a stent delivery device including the steps of placing a stent on the inflatable portion and releasably retaining the stent to the inflatable portions by depressions formed therein. There is absolutely no disclosure in the Witkor reference of using any depressions formed in the balloon to retain the stent. Still further, there is

no clear disclosure in Witkor that depressions releasably retain the stent to the inflatable portion as is clearly set forth in claim 41. The Examiner may contend that Witkor discloses placing the stent on the balloon and that by pushing the balloon material down, stress lines are formed in the balloon as shown in Figure 2. However, the Examiner cannot point to anywhere in the Witkor reference where depressions releasably retain the stent therein.

In order for a reference to be anticipatory of a method claim, each step of the claim must be described or embodied, either expressly or inherently, in a single reference. *Glaverbel S.A. v. Northlake Mkt'g & Supp. Inc.*, 45 F.3d 1550, 33 USPQ2d 1496 (Fed. Cir. 1995).

In the present instance, the Examiner cannot show, either expressly or inherently, that the Witkor reference discloses the step of releasably retaining the stent on an inflatable portion of a balloon in depressions formed thereon. Failure to find this limitation in the reference, the reference, as a matter of law, cannot be anticipatory of the claimed subject matter. Therefore, it is respectfully submitted that independent claim 41, as well as claims 42-44 which depend therefrom, are patentably distinct over the Witkor reference.

Moreover, as the Examiner has indicated that claims 25-35, 45 and 46 are allowed, and that claims 43-44 contain allowable subject matter, it is respectfully submitted that the

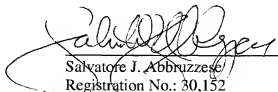
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application, including claims 25-35 and 41-46 is in condition for allowance. Favorable action is respectfully solicited.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Should the Examiner have any questions or comments with regard to the application or this amendment, the Examiner is respectfully requested to contact undersigned counsel.

Respectfully submitted,



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